IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33768 of 2008
1. JAMINDER GOPE, SON OF LATE NAMEDHARI GOPE.
2. PAPPU GOPE, SON OF JAMINDER GOPE.
BOTH RESIDENT OF VILLAGE-BHABANI BIGHA, P.S.-KARARI PARSURARI, DISTRICT-NALANDA.
Versus
THE STATE OF BIHAR
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3 24.10.2008 Heard learned counsel for the petitioner and learned counsel for the State.

Case is under Section 307 and other Sections of the Indian Penal Code as well as Section 27 of the Arms Act. It is submitted that after investigation charge-sheet has been submitted under Section 304/34 of the Indian Penal Code. In the FIR allegation is that the petitioner no. 1 threw the child on the ground and the petitioner no. 2 gave a blow to the child by a brick-bat.

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Case diary was called for. From the case diary, it appears that the witnesses have said that after altercation both the sides started hurling brick-bats on each other and in that process one brick-bat hit the child due to which he fell down and subsequently died. From the post-mortem report annexed as Annexure-3, it appears that no external injury was found on the person of

the child. Petitioners are in custody since January, 2008.

In the facts and circumstances as noticed above, this application is allowed. Let petitioner, namely, Jaminder Gope and Pappu Gope are released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa District, Nalanda in connection with Hilsa (Karari Parsurai) P.S. Case No. 334 of 2007 corresponding to G.R. No. 1025 of 2007.

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Arvind/ **(J. N. Singh , J.)**

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